

operations bill in an hour? People want to offer amendments. They want to do things a little differently. That is the American way. That is the way we have been doing things for more than 200 years, but we are in a 3-week fun and games with a filibuster.

Mr. DURBIN. I will give the Senator from Nevada an illustration and then ask him a question. Last Thursday, the Senate Judiciary Committee, when we were operating out of the Capitol, had a hearing for five judges who were brought before us. Of those five judges, it is my understanding four of them will be voted on this afternoon. As to the fifth judge, who is a circuit court judge who has been suggested and was brought before us, we came to learn this circuit court judge has perhaps a thousand unpublished opinions. We have asked this judge to come back once we have seen his unpublished opinions so that before we give him the circuit judge position for life we understand who he is and whether he is the man for the job.

There were some objections raised at the hearing about asking for a second hearing for this judicial candidate. We checked the record, and on at least six occasions during the Clinton administration, a second hearing was requested. Then we asked for the timeframe between the first and second hearing on Clinton judges, when the Republicans were in control. In one case, the nominee waited 2½ years for the second hearing, and in several other cases more than a year for the second hearing.

Now we have the Republicans coming to the floor saying we are not moving this process fast enough. Second hearings are being called for and it could take weeks, when they took the lives of individuals and let them languish for a year or 2 years in this situation.

I say to the Senator from Nevada, Senator PATRICK LEAHY has moved with dispatch with hearings on these judicial candidates. He has held hearings during the recess. He held a hearing last Thursday when the Senate was in a very peculiar situation because of the security concerns on Capitol Hill. He has moved them forward. He has asked that before we approve a person we know their background. I ask the Senator from Nevada, who was in the Senate during the Clinton administration and saw the way Senator HATCH and the Republicans in control of the committee dealt with the nominees, are the Republicans today asking for the same treatment of their nominees as they gave to President Clinton's nominees?

Mr. REID. I say to my friend, one of the biggest fears they have in the world is that we will treat them as they treated us.

Mr. KYL. Will the Senator yield? That was a question directed to my party.

Mr. REID. I say to the Senator from Illinois, I believe in the Golden Rule which says you should treat people the

way you want to be treated, and we are not going to treat the Republicans the way they treated us.

I say to my friend from Illinois, he is right. Senator LEAHY has been moving these things very quickly—maybe not quickly enough for some, but he has been moving them.

Since September 11, the Senator from Illinois, as a member of the Judiciary Committee, has been involved in a number of other things. I say to my friend that in addition, we have had in Senator DASCHLE's office this evil person or people send this envelope full of anthrax which has shut down the office buildings in the Senate. Senator LEAHY and the Judiciary Committee and all committees have been working under tremendous hardship, and Senator LEAHY, if we could give him some kind of a medal, he deserves it.

In the President's Room last Thursday, when the House had already gone home and we were in the process of going home, Senator LEAHY held a hearing to report out these four judges. Anyway, he held a hearing back there, a markup back there, and then he held a hearing later in the day down in S-128 on some judges. If he ever had an excuse or ever wanted to slow up these nominations, he certainly would not have proceeded in that manner.

Mr. DURBIN. I add to the Senator from Nevada, I believe there were some 12 U.S. attorneys who were moved in that hearing in the back room, under extraordinary circumstances.

I ask the Senator from Nevada, is he aware of the fact the Judiciary Committee, under Senator LEAHY's leadership, has held seven nomination hearings thus far this year?

In 1989 and 1993, when the Republicans were in control of the same committee, it was November before they held their fifth hearing. So Senator LEAHY has held more hearings, even though we have not been in control for the full calendar year, than Republicans did when they had control of the same committee under a Democrat President, and after that seventh hearing the committee will have held multiple hearings in the same month on three separate occasions, something the Republicans in the Judiciary Committee managed to do only 12 times in 6½ years of leadership.

For those who are complaining about Senator LEAHY's dispatch in dealing with those nominees, I might also say this: The Judiciary Committee has already confirmed eight judges, four for the Federal courts of appeals with several more in the pipeline. This afternoon we will have some district judges considered. That is more appellate judges confirmed in the last 4 months than the Senate confirmed during the entire first year of President Clinton's administration.

Senator LEAHY has brought more Republican nominees for Federal judgeships to the floor in the first 4 months than the Republicans did in an entire calendar year. And they are stopping

legislation to provide humanitarian assistance to the Afghan refugees because it is not fast enough? Is that what I understand?

Mr. REID. The Senator is absolutely correct. I would say also that not only has Senator LEAHY and the committee moved the number the Senator has indicated, but he has done it in a short period of time.

Remember, the Democrats only took control of the Senate in June. During the first 6 months of this year, the Republicans did not hold a single confirmation hearing or confirm one.

I will be happy to yield for a question to my friend from Arizona.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Arizona.

Mr. KYL. Mr. President, I guess I will ask a question. I thought there was a question posed to the minority by the distinguished Senator who said, would Republicans like it if he treated them as they treated us? And I thought, as a Republican, I might be in a better position to answer that than a Democratic Senator.

Mr. REID. Does the Senator have a question?

Mr. KYL. The Senator had an interesting question. I guess I will ask the question to you this way.

Since the distinguished Senator from Nevada has said on more than one occasion that this is not about payback—I think that is a direct quotation, on several occasions—I wonder why, if the withholding of confirmations on judicial nominations is not about payback, that most of the argument that the Senator from Illinois and the Senator from Nevada keep making is how poorly they believe that President Clinton's nominees were treated by Republicans. What relevance would that have, if their action today isn't about payback?

Mr. REID. I will be happy to respond to that question. The purpose of going into what has taken place in the past is, by comparison, to show what was done to President Clinton and was not done for him, compared to what we are doing now.

I spent a lot of time here in the Chamber. The few judges that we got, those were usually held in bundles until we had acted appropriately by virtue of how the majority then thought we should act and then we would get a whole bunch at one time.

We are moving these judges as quickly as we can. We are not holding anybody who is ready for approval. We are holding these hearings as quickly as we can. We hope there will even be a hearing this week, although we don't know where it will be.

I say to my friend, for whom I have the greatest respect, the junior Senator from Arizona—I know he feels strongly about the number of judges. But I think the Senator is not doing the right thing for the country. I think it is very important we move forward on these appropriations bills. I think the situation on judges—whatever number is going to come, we are going